

APPEAL NO. 161893  
FILED NOVEMBER 16, 2016

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on August 3, 2016, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that the respondent/cross-appellant's (claimant) impairment rating (IR) is 28%. The hearing officer also determined that the compensable injury of (date of injury), does not extend to right upper extremity reflex sympathetic dystrophy (RSD)/complex regional pain syndrome (CRPS), C5-6 bulge/protrusion, C6-7 protrusion, and aggravation of degenerative disc disease (DDD) at C5-6.

The appellant/cross-respondent (self-insured) appealed the hearing officer's IR determination, contending that determination is against the great weight of the evidence. The self-insured also pointed out in its appeal that the parties agreed at the CCH to withdraw the extent-of-injury issue. The claimant responded, urging affirmance of the hearing officer's IR determination. The claimant also cross-appealed, requesting the hearing officer's decision be clerically corrected to strike the extent-of-injury determination because the parties mutually agreed at the CCH to withdraw that issue. The appeal file does not contain a response from the self-insured to the claimant's cross-appeal.

**DECISION**

Affirmed in part and reversed by striking in part.

The parties stipulated that on (date of injury), the claimant sustained a compensable injury in the form of a lumbar strain, cervical strain, bilateral shoulder strain, right knee strain, right shoulder labral tear, and post-traumatic stress disorder. The claimant testified she was injured when an angry student punched and kicked the claimant.

**IR**

The hearing officer's determination that the claimant's IR is 28% is supported by sufficient evidence and is affirmed.

**EXTENT OF INJURY**

The record shows that both parties agreed at the CCH to withdraw the extent-of-injury issue, and that issue was not actually litigated. However, the hearing officer made the following finding of fact and conclusion of law:

Finding of Fact No. 3. The conditions of right upper extremity [RSD/CRPS], [C5-6] bulge/protrusion, [C6-7] protrusion, and aggravation of [DDD] at [C5-6] were not caused or aggravated by the (date of injury), compensable injury.

Conclusion of Law No. 3. The compensable injury of (date of injury), does not extend to or include right upper extremity [RSD/CRPS], [C5-6] bulge/protrusion, [C6-7] protrusion, and aggravation of [DDD] at [C5-6].

The hearing officer determined that the compensable injury of (date of injury), does not extend to right upper extremity RSD/CRPS, C5-6 bulge/protrusion, C6-7 protrusion, and aggravation of DDD at C5-6.

The hearing officer exceeded the scope of the issue before her to decide. We reverse the hearing officer's decision by striking Finding of Fact No. 3, Conclusion of Law No. 3, the first paragraph of the decision and order, and the Decision that the compensable injury of (date of injury), does not extend to right upper extremity RSD/CRPS, C5-6 bulge/protrusion, C6-7 protrusion, and aggravation of DDD at C5-6.

### **SUMMARY**

We affirm the hearing officer's determination that the claimant's IR is 28%.

We reverse the hearing officer's decision by striking Finding of Fact No. 3, Conclusion of Law No. 3, and the first paragraph of the decision and order and Decision that the compensable injury of (date of injury), does not extend to right upper extremity RSD/CRPS, C5-6 bulge/protrusion, C6-7 protrusion, and aggravation of DDD at C5-6.

The true corporate name of the insurance carrier is **CONROE INDEPENDENT SCHOOL DISTRICT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**DR. DON STOCKTON, SUPERINTENDENT  
3205 WEST DAVIS STREET  
CONROE, TEXAS 77304-2039.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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K. Eugene Kraft  
Appeals Judge

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Margaret L. Turner  
Appeals Judge